

Patent
42530-6500**REMARKS**

The present invention is in the field of dispensing coins, and more particularly attempts to maximize coin storage space while being restricted to a relatively compact configuration. As noted in the discussion of the prior art in the present application, there have been attempts to provide auxiliary storage containers or bowls so that a fixed volume principal storage hopper could receive additional coins from a supplemental storage container that can be adjacent, underneath or even above the principal storage hopper. Various forms of conveyor belts, lifting elevation, etc. have been utilized to move the coins from the auxiliary storage capacity to the principal storage hopper.

The present invention deals only with a primary storage hopper, and provides different embodiments to increase the total interior coin storing volume of the primary storing bowl without increasing the coin density and weight above a coin selector disc. Thus, a portion of the interior perimeter wall of the primary storage hopper can be expanded radially outward to increase an interior volume of the storing bowl for holding additional coins when in a coin storing position mode.

Conversely, when the moving wall extends radially inward, the coins supported by this moving wall are released to the coin selector unit. The bulk coins stored in the storing bowl can be monitored so that a detector signal can activate an actuator for driving the moving wall to release coins.

In one form of the invention, the moving wall can have a bucket-like configuration as shown in Figure 1. Another form of a moving wall can be a flexible elastic wall that can be expanded or contracted and can surround a perimeter of the coin selector unit as shown in Figure 8.

Patent
42530-6500

The present invention provides a variable volume space of coin storage by expanding or retracting an integral part of an interior wall surface of the storing member so that the coin storage volume of the storage member can be extended in a first direction to receive coins in an extended storage volume and can release the stored coins when the extended storage volume is contracted in a second direction. This feature is set forth in Claim 6 and its dependent Claims 7-12 that provide various embodiments. Likewise, Claim 13 defines a storage member having a housing member with a cavity for storing coins and a movable member operatively connected to the cavity for increasing and decreasing the storage volume available for coins. Again, the dependent Claims 14-19 provide additional features not shown or disclosed in any cited reference. These same features are carried forward in the amended Claims 1 and 4 and the newly drafted independent Claim 24.

The Office Action contended that Claims 1-3, 6, 8, 13 and 15 were completely anticipated by the *Champion* (U.S. Patent No. 5,064,404). The Office Action contended that a baffle 30 would serve the function of a movable wall section of the present invention.

The *Champion* reference is in the appropriate field of a coin or token discharge apparatus but was not concerned with increasing the storage volume available in a storing bowl or coin reservoir. As noted on Column 2, Lines 15-25, the problem recognized and addressed by this reference was a jamming problem associated with having a large coin reservoir already carrying a large supply of coins or tokens. To prevent a selector disk from being jammed by excessive weight, a baffle plate 30 is mounted to pivot and extend above the selector disk and thereby divide the coin discharge apparatus into an upper large coin reservoir with a variable control area approximately at a side of the reservoir through which coins will slide by gravity until they

Patent
42530-6500

encounter a second lower position sorting baffle which forces the coins to "gently" flow to the selector disc.

Thus, the invention can be summarized in the *Champion* disclosure as follows, Column 2, Lines 30-35:

"The two baffles of the present invention facilitate the flow of coins to the selector disc from a voluminous reservoir and help to ease the forces placed on the selector disc by the coins. Thus the likelihood of the disc jamming is lessened."

As can be seen by Figure 6 of the *Champion* disclosure and the teachings of Column 4, Lines 3-28, the baffle 30 is pivoted to define a peripheral control or flow area A that can vary from the large area when baffle 30 is rotated above the axis of rotation of the selector disk 34, or if excessive coins build up below the baffle 30, the coins will "build up under the baffle end 32 and force the upper baffle to tip it upwardly into the coin reservoir 33." See Column 4, Lines 20-23. By narrowing the area A, there is a reduction in the flow of coins into the coin bowl 26 and thereby, the number of coins will be lessened with less weight and has possibilities of "coin bridging" problems from occurring. As the coins are dispensed from the selector disc 34, the freely pivoting upper baffle 30 will pivot downward as shown in Figure 6 in the solid lines.

While control area A may vary in size, the volume of coin storage available within the upper coin reservoir and the lower coin bowl 26 remain the same. There is no increase nor decrease in coin storage volume. Additionally, there is no teaching of any actuator driving the coin baffle to any specific position to increase coin storage capacity or to reduce coin storage capacity. The coin baffle 30 actually takes up space in the interior of the coin dispenser, since it does not form a peripheral wall of the coin container that can be expanded or reduced to control coin storage volume.

Patent
42530-6500

The *Champion* reference is addressing a bridging problem with two baffles to prevent jamming of a selector disc. This is a problem that is occurring because a relatively large supply of coins can be stored.

The problem is not increasing the coin storage volume, but rather regulating a flow area to resolve problems that occur from having such a large storage volume. This is not the problem addressed and resolved by our present invention.

There are a number of evaluations required under Section 103. One highly relevant inquiry is "[t]he relationship between the problem which the inventor. . . was attempting to solve and the problem to which any prior art reference is directed." *Stanley Works v. McKinney Mfg. Co.*, 216 U.S.P.Q., 298, 304 (Del. D.C. 1981). Thus, in analyzing the prior art under Section 103 of the Act, we must clearly comprehend the problem addressed by the present inventors and that problems must be compared or contrasted, as the case may be, with the problems addressed by the prior art.

Pursuing further the "problem" analysis required under Section 103 of the U.S. Patent Act, the applicability of any reference against the claims of a pending U.S. patent application requires compliance with *In re Gibbons*, 100 U.S.P.Q. 298, where it is stated:

In considering the questions of invention, it is necessary to determine whether or not the art relied upon contains adequate direction for the practice of the invention without resort to the involved application.
(Emphasis added)

In *Orthopedic Co., Inc. v. United States*, 217 U.S.Q.P. 193 (C.A.F.C. 1983), the Federal Circuit set forth a useful guide for determining the scope and content of the prior art. *Orthopedic*, at pages 196-197, also focuses on the "problem" faced by the inventors:

In determining the relevant art. . . one looks at the nature of the problem confronting the inventor.

Patent
42530-6500

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[W]ould it then be nonobvious to this person of ordinary skill in the art to coordinate these elements in the same manner as the claims in suit? The difficulty which attaches to all honest attempts to answer this question can be attributed to the strong temptation to rely on hindsight while undertaking this evaluation. It is wrong to use the patent in suit [the patent application before the Examiner] as a guide through the maze of prior art references, combining the right references in the right way so as to achieve the result of the claims in suit. Monday morning quarterbacking is quite improper when resolving the question of nonobviousness. (Emphasis added)

As can be seen from the above case law, useful analysis of the problems addressed and resolved by the present invention and that of the cited references would indicate that the *Champion* reference was cited for having a movable baffle within the cavity of a coin storage device. It is incapable of serving the purposes of increasing or decreasing the bulk coin storage volume available and only addresses the coin flow issue between a coin reservoir and the coin bowl to prevent excessive weight above the selector disk to eliminate bridging problems while permitting the baffle wall 30 to rotate downward to release any coins that may bridge across the control area. There is no recognition of attempting to capture lost space adjacent a compact coin storage configuration that is addressed and taught by the present invention.

The Office Action relies upon the *Champion* reference as a teaching reference to reject Claims 4, 5, 7, 9-12, 14 and 16-19 when combined with the *Ricciardi et al* (U.S. Patent No. 5,423,455). For this reason, the *Ricciardi et al* reference was only an attempt to seek some form of detector and motor to adjust a feed rate. However, the only feed rate associated with the *Champion* patent is the position of the upper baffle 30 which has a valving action for releasing coins.

The *Ricciardi et al* reference was only concerned with a feed rate of a bulk solid material or a liquid material so a valve could be opened. In this regard, the *Ricciardi et al* reference

Patent
42530-6500

disclosed a refill hopper which is separate and above a lower hopper having an auger metering mechanism 14 which when rotated would dispense a fixed amount of solid material. There is no teaching of increasing a storage volume in the *Ricciardi et al* reference, nor was there any teaching of increasing any coin storage volume and conversely decreasing the coin storage volume in the *Champion* reference. As such, the *Ricciardi et al* reference could only have been selected in hindsight from the teachings of the present application and clearly does not address the same problem, nor offer the solutions set forth in our currently pending claims.

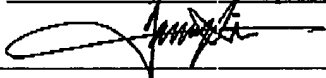
It is believed that the present case is in condition for allowance, and an early notification of the same is requested.

If the Examiner believes that a telephone interview will help further the prosecution of this case, the Examiner can contact the undersigned attorney at the listed telephone number.

I hereby certify that this correspondence is being transmitted via facsimile to the USPTO at 571-273-8300 on December 28, 2005.


Very truly yours,

SNELL & WILMER L.L.P.

By: Tanya Kiatkulpiboone

Signature

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